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No. [redacted] 17

In the Supreme Court of the United States

OCTOBER TERM, 1932

UNITED STATES OF AMERICA ET AL., APPELLANTS

v.

STATE OF LOUISIANA ET AL., APPELLEES

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA

APPELLANTS' STATEMENT OF JURISDICTION

In the Supreme Court of the United States

OCTOBER TERM, 1932

No. 819

UNITED STATES OF AMERICA ET AL., APPELLANTS

v.

STATE OF LOUISIANA ET AL., APPELLEES

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA

STATEMENT OF JURISDICTION

In compliance with Rule 12 of the Supreme Court of the United States, appellants submit herewith their statement showing the basis of the jurisdiction of this Court to entertain the appeal in the above-entitled cause:

A

STATUTES

The statutory jurisdiction of the Supreme Court to review by direct appeal the order or decree here complained of is conferred by Urgent Deficiencies Act of October 22, 1913 (c. 32, 38 Stat. 208, 219, 220; U.S.C. Title 28, Sec. 41 (28), Secs. 43 to 47), and Section 238 of the Judicial Code as amended by Act of February 13, 1925 (c. 229, 43 Stat. 936, 938; U.S.C. Title 28, Sec. 345).

B

DATE OF DECREE AND APPLICATION FOR APPEAL

The final decree sought to be reviewed was entered December 27, 1932 (R. —). The petition for appeal was presented to aforesaid District Court,

with this statement, on January 19, 1933, and the order allowing appeal was entered January 19, 1933.

C

NATURE OF THE CASE

This cause was instituted by a bill in equity filed by the State of Louisiana, the Louisiana Public Service Commission, and the Louisiana Highway Commission, seeking to enjoin an order issued November 7, 1932, by the Interstate Commerce Commission in I.C.C. Docket No. 25135, *Increases in Intrastate Rates and Charges, Part 5—Louisiana,* in which it directed carriers by railroad operating within the State of Louisiana (all of whom are appellants herein) to put in force and maintain for the transportation of certain commodities therein prescribed intrastate rates in Louisiana which should not be lower than rates contemporaneously in force and applicable to interstate transportation, plus the surcharge authorized by the findings of the Commission in *Fifteen Per Cent case,* 1931 (178 I.C.C. 539, 179 I.C.C. 215), on corresponding interstate traffic, so long as such surcharges are maintained on said interstate traffic in accordance with such findings, said order to become effective December 16, 1932. The specially constituted District Court of three judges granted an application of the said plaintiffs for an interlocutory injunction and filed an opinion holding the order of the Commission to be unlawful because not supported by findings essential to its validity.

D

CASES SUSTAINING JURISDICTION

The following decisions are believed to sustain the jurisdiction of this Court:

United States v. *Baltimore & Ohio Railroad Company et al.*, 284 U.S. 194.

Atchison, Topeka & Santa Fe Railway Company et al. v. *United States et al.*, 284 U.S. 248.

Georgia Public Service Commission v. *United States*, 283 U.S. 765.

Alabama v. *United States*, 283 U.S. 776.

Claiborne-Annapolis Ferry Company v. *United States*, 285 U.S. 382.

Respectfully submitted.

E. E. TALBOT,
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ELMER B. COLLINS,
Special Assistant to the Attorney General.

NELSON THOMAS,
Attorney for Interstate Commerce Commission.

HARRY MCCALL,
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Attorney for New Orleans & Northeastern Railroad Company.

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